

**F L E E D**

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Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)  
Transportation of Illegal  
Aliens

## Transportation of Illegal Aliens

## Aliens

  
SIGNATURE

*Barbara L. Major*  
Barbara L. Major

Barbara L. Major  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

JPM

**Ismael MENDIOLA****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Agustin Jaime RAMIREZ-Herrera, Francisco RAMIREZ-Herrera, and Guadalupe MENDOZA-Gutierrez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 27, 2008, Border Patrol Agent J. Stephenson was assigned uniformed patrol duties near Barrett Junction, California. At approximately 6:40 P.M. Agent Stephenson observed a blue Ford Explorer SUV westbound on State Route 94 at Barrett Lake Road. The Ford SUV appeared to be heavily-laden and Agent Stephenson began to follow the vehicle. As the Ford continued westbound on SR 94, Agent Stephenson radioed Border Patrol Dispatch for registration checks. Sector Dispatch stated that the plates did not come back as stolen and that California DMV registration checks were not available at the time.

At approximately 6:45 P.M. Agent Stephenson attempted to stop the Ford on SR 94 in Dulzura, California near the Dulzura Café. Agent Stephenson activated his vehicle emergency lights and siren. The Ford failed to yield and continued westbound on SR 94. BPA Stephenson advised Sector Dispatch that the Ford had failed to yield. Agent Stephenson continued to follow the Ford towards the Brown Field Border Patrol Checkpoint on SR 94 near Jamul, California. As the Ford approached the checkpoint all warning lights and signs were fully operational and in place. The Ford failed to stop at the checkpoint. Checkpoint agents deployed multiple Controlled Tire Deflation Devices (CTDD'S) as the Ford drove through the primary lane of the checkpoint. The tires of the Ford made contact with the CTDD'S, however, the driver of the Ford continued west on SR 94. Supervisory Border Patrol Agent Z. Freemeyer observed the defendant at the wheel of the Ford as it ran the checkpoint.

Border Patrol Agent P. Campbell began to follow the Ford from the checkpoint. Supervisory Border Patrol Agent S. Zimmer was on foot holding back traffic flow from Otay Lakes Road in the interest of public safety. SBPA Zimmer observed the defendant driving the Ford on SR 94 on deflated tires. SBPA Zimmer estimated the Ford was proceeding at approximately 10 Miles Per Hour as it passed him. SBPA Zimmer was approximately eight feet away from the driver door as the Ford drove by and could clearly identify the defendant as the driver.

The Ford continued driving west on SR 94 until it came to a stop on the eastbound shoulder of SR 94, approximately 200 yards west of Honey Springs Road. Agent Campbell approached the Ford and identified himself as a Border Patrol Agent. Agent Campbell arrested the driver, later identified as the defendant **Ismael MENDIOLA**. MENDIOLA was attempting to exit the Ford from the driver's door. Agent Stephenson approached the Ford and observed nine persons attempting to conceal themselves in the rear cargo area.

**CONTINUATION OF COMPLAINT:**  
**Ismael MENDIOLA**

Agent Stephenson identified himself as a United States Border Patrol Agent and questioned each person as to their citizenship and each one stated "Mexico". When asked if all possessed any immigration documents that would allow them legally enter or remain in the United States all nine individuals stated "No". All nine aliens were placed under arrest and transported to the Brown Field SR 94 Border Patrol Checkpoint for processing. The defendant was also transported in a separate Border Patrol vehicle.

**MATERIAL WITNESSES STATEMENTS:**

Material witnesses **Agustin Jaime RAMIEZ-Herrera**, **Francisco RAMIREZ-Herrera**, and **Guadalupe MENDOZA-Gutierrez** admit to being citizens and nationals of Mexico illegally present in the United States. All agree in summary to the following;

Arrangements were made to be smuggled into the United States in Mexico by themselves or by family members. Witness Francisco RAMIREZ-Herrera stated that relatives were going to pay \$3000 US. Witnesses Guadalupe MENDOZA-Gutierrez and Agustin Jaime RAMIREZ-Herrera were going to pay an unknown amount.

A foot guide guided the group by walking across the border sometime around 5:30 or 6:00 P.M. on January 27. The guide told them to get into a truck. The guide did not get in the vehicle with them. The driver of the vehicle then told them all in the Spanish language to remain low and to not look at him. They drove in the vehicle for about 30 minutes before they were stopped by the Border Patrol.

Witnesses **Francisco RAMIREZ-Herrera**, and **Guadalupe MENDOZA-Gutierrez** identified the defendant **Ismael MENDIOLA** as the driver of the vehicle they were riding in through a photographic lineup.